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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:  BERNARD L. MADOFF INVESTMENT SECURITIES LLC,  Debtor.	Adv. Pro. No. 08-01789 (SMB)  SIPA Liquidation  (Substantively Consolidated)
IRVING H. PICARD, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC,  Plaintiff,  v.  ASSOCIADOS INVESTIMENTO LTD.,  Defendant.	Adv. Pro. No. 10-04938 (SMB)

**TRUSTEE'S REQUEST TO ENTER DEFAULT**

To: CLERK OF THE COURT  
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against defendant Associados Investimento Ltd., pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

**WHEREFORE**, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York  
May 8, 2014

Respectfully submitted,

*/s/ Peter B. Shapiro*

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SIPA Liquidation

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ASSOCIADOS INVESTIMENTO LTD.,

Defendant.

Adv. Pro. No. 10-04938 (SMB)

**AFFIDAVIT SUPPORTING ENTRY OF DEFAULT**

STATE OF NEW YORK )

) ss:

COUNTY OF NEW YORK )

Peter B. Shapiro, being duly sworn, hereby attests as follows:

1. I am a member of the Bar of this Court and an attorney at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard ("Trustee"), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* ("SIPA") and the estate of Bernard L. Madoff, individually.

2. On December 2, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the "Complaint") against Asociados Inverimonto Ltd. (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78fff-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent transfers in connection with certain transfers of property by BLMIS to or for the benefit of Asociados Inverimonto Ltd. (*Id.*).

3. On February 9, 2011, the Clerk of this Court issued a summons upon Asociados Inverimonto Ltd. (Dkt. No. 3.)

4. On February 10, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Asociados Inverimonto Ltd. (*See* Dkt. No. 4.) An Affidavit of Service evidencing proper and timely service was filed with the Court. (*See* Ex. A, Affidavit of Service; Dkt. No. 4.)

5. Furthermore, on April 5, 2011, the Trustee, in accordance with the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters (Done at The Hague November 15, 1965) (Entered Into Force for the U.S. on February 10, 1969), timely served the Summons and Complaint upon Asociados



Investimento Ltd. (*See* Dkt. No. 5.) An Affidavit of Service evidencing proper and timely service was filed with the Court. (*See* Ex. A, Affidavit of Service; Dkt. No. 5.)

6. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary proceeding, the time by which Asociados Investimento Ltd. may answer or otherwise move with respect to the Complaint expired October 3, 2011. (*See* Dkt. No. 5.)

7. Despite being duly served with the Summons and Complaint, Asociados Investimento Ltd. did not file an answer, move, or otherwise respond to the Complaint on or before October 3, 2011.

8. The Defaulting Defendant is a business entity and therefore is neither an infant nor incompetent.

9. Moreover, because the Defaulting Defendant is a business entity, the protections afforded under the Servicemember's Civil Relief Act of 2003 should not apply.

10. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

/s/



Sworn to before me this  
8 day of May 2014

Notary Public

Jana Peremoud  
Notary Public, State of New York  
No. 01PA6209734, Qualified in New York County  
Commission Expires August 03, 2017